

5550 GLADES ROAD, SUITE 500
BOCA RATON, FL 33431
PH: (954) 745-0588

www.nklegal.com

HECTOR V. RAMIREZ, ESQ.
ramirez@nklegal.com

January 6, 2020

VIA ECF

Honorable Judge Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: Mercer v. Island Motor Inn, Inc.
SDNY Case No.: 1:19-cv-09204-JMF

**Plaintiff's Request for brief extension of certain deadlines to reasonably schedule mediation,
allow the parties to discuss settlement and potentially reduce the parties' legal fees & costs and
conserve resources of the Mediation Program.**

Dear Judge Furman,

We are attorneys for Plaintiff, Stacey Mercer, in the above-referenced matter. Plaintiff brings this action under the Americans with Disabilities Act, and related New York State and City Human Rights Laws, for alleged violations of 28 C.F.R. §36.302(e)(1) on the Defendant's hotel website. Plaintiff seeks a brief extension of time on certain deadlines in order to reduce/avoid further judicial resources, mutual legal fees and costs and to account for conflicts.

On January 2, 2019, while undersigned counsel was travelling on a family holiday vacation, the Mediation Office for the Southern District Court of New York emailed the parties seeking to schedule mediation between January 9-15, 2020. This only provided one week of notice to schedule mediation on one of five business days. No mediator has been selected but the Mediation Office indicated it would find one that is available. Thus, at this time, there is no assigned mediator and it is unknown if any conflict exists or other grounds for objection. Undersigned counsel's office is located in South Florida and attendance at mediation will require personal/family arrangements and travel arrangements. Furthermore, Plaintiff's counsel has dispositive motion deadlines in other matters due on January 14, 2020, which would be compromised by having to travel for this mediation prior to January 15, 2020. Accordingly, Plaintiff respectfully requests a 15-day extension so that a mediator can be selected and mediation can be scheduled with sufficient notice. Plaintiff has conferred with Defense Counsel who indicated no objection to an extension of time to mediate.

Extending the time to mediate will provide the parties additional time to attempt an amicable resolution. The parties have discussed possible resolution and Plaintiff has conveyed a settlement demand. If the parties are able to resolve the matter, their respective legal fees and costs will be reduced and the resources of the Mediation Program can be applied elsewhere.

Lastly, as one of the goals of mediation is to avoid/reduce legal fees and costs, Plaintiff respectfully requests an extension of time to amend the Complaint or respond to Defendant's pending Motion to Dismiss (standing and personal jurisdiction), filed December 10, 2019. In light of the holidays, the Court *sua sponte* entered an Order directing Plaintiff to amend the Complaint or respond to the Motion by this Friday, January 10, 2019. However, Plaintiff respectfully submits that such further pleadings/briefing will lead to higher fees and costs that would likely adversely affect the likelihood of settlement. Furthermore, briefing the Motion would not be finalized before mediation, making a response moot if the case settles. Accordingly, Plaintiff requests that the deadline to amend the Complaint or respond to the Motion to Dismiss be extended five days after mediation. Plaintiff has conferred with Defendant on this requested relief, but Defendant objects to an extension beyond January 10, 2020, regardless of whether mediation is rescheduled.

Plaintiff respectfully submits that the requests herein will benefit and not prejudice the parties or the Court.

Respectfully Submitted,

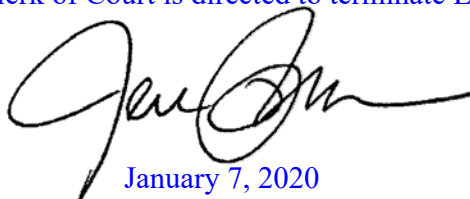
Law Offices of Nolan Klein, P.A.

By: /s/ Hector V. Ramirez
HECTOR V. RAMIREZ, ESQ.

HVR/amd

cc: Anne Catherine Lahren, Esq. (*pro hac vice* pending) (via e-mail)

Application GRANTED. The deadline to mediate is EXTENDED to January 30, 2020. Plaintiff shall an amended complaint or an opposition to Defendant's motion to dismiss no later than February 4, 2020. The Clerk of Court is directed to terminate ECF No. 16. SO ORDERED.



January 7, 2020